IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No. 20788 of 2004

Between:

M/s.Surya Teja Bar and Restaurant, Arasavilli Road,

Srikakulam, rep.by its Proprietor Boyina Ganesh.

..... PETITIONER

AND

The District Collector & District Magistrate,

Srikakulam, Srikakulam Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the proceedings of the respondent in R.C.No.564/2004/B1, dated 24-10-2004 as highly illegal, arbitrary, unjust improper and violation of sec.20(1) of the Excise Act and Art 19(1)(g) of the constitution of India and consequently set aside the same.

Counsel for the Petitioner: MR.BADANA.BHASKARA RAO

Counsel for the Respondent: GP FOR PROHIBITION & EXCISE

The Court made the following:

-

-

-

-

ORDER:

Against the impugned order dated 24.10.2004, there is an alternative remedy is available under the Andhra Pradesh Excise Act 1968. Without exhausting the said alternative remedy, the petitioner cannot maintain this writ petition by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

Accordingly, while granting leave to the petitioner to work out appropriate remedy as available under the Statute, the Writ Petition is disposed of. No costs.

dsr

ASSISTANT REGISTRAR

To:

1. The District Collector &

District Magistrate, Srikakulam,

Srikakulam District

2. Two CCs to the Government Pleader

for Prohibition and Excise, High Court Buildings,

Hyderabad

3. Two CD copies.